Immigration 2014: The Border Crisis and Immigration Reform
Children Take Many Paths To The U.S.
United Nations High Commissioner for Refugees: Humanitarian Situation at US Border

Children on the Run

Unaccompanied children leaving Central America and Mexico and the need for international protection
Unaccompanied Minor Apprehensions by CBP, FY 2009-14*
Sharp Rise in Unaccompanied Children Apprehended at the Border

Number of apprehensions of unaccompanied minors at the Southwest border, by country of origin

<table>
<thead>
<tr>
<th>Country</th>
<th>2009</th>
<th>2014</th>
<th>Change 2009–2014*</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Salvador</td>
<td>5,878</td>
<td>9,850</td>
<td>+ 707%</td>
</tr>
<tr>
<td>Guatemala</td>
<td>4,667</td>
<td>11,479</td>
<td>+ 930%</td>
</tr>
<tr>
<td>Honduras</td>
<td>793</td>
<td>13,282</td>
<td>+ 1,272%</td>
</tr>
<tr>
<td>Mexico</td>
<td>20,807</td>
<td>11,577</td>
<td>- 28%</td>
</tr>
</tbody>
</table>

Source: U.S. Customs and Border Protection. Minors are children ages 17 years or younger. Fiscal Years 2009–2013; Fiscal Year 2014 through May 31st.
*Percent change for FY2014 includes apprehensions through May 31st.

PEW RESEARCH CENTER / GRAPHIC BY DIANA YOO
Mexican Unaccompanied Children

Last year, 17,240 Mexican kids were apprehended by the Border Patrol. That's an average of 47 every day.

Mexican kids are treated differently from Central Americans. They're deported almost immediately. The Central Americans aren't.
Unaccompanied Children

- **Unaccompanied Alien Child (UAC)**
  6 U.S.C. § 279(g)(2)
  
  - Under the age of 18
  - Has no lawful immigration status in the U.S.
  - Has neither a parent nor a legal guardian in the U.S. who is available to provide care and physical custody.
Unaccompanied Children at the Southwest Border

At the direction of the President, a Unified Coordination Group is leveraging Federal resources to address the humanitarian situation associated with the influx of unaccompanied children entering the U.S. across the southwest border. This chart depicts the general process to enhance capacity resulting from federal coordination.

1. After arrival in U.S., child is identified, undergoes initial health screening and immigration processing to initiate removal proceedings.

2. Child may be transferred to short term multi-agency center where HHS provides medical check, immunizations and shelter assignment.

3. Child travels to HHS shelter assignment. Transportation is provided by DHS.

4. Child remains in HHS shelter until a sponsor is identified on a case-by-case basis.

5. Child is placed with a relative or other sponsor in the U.S. pending outcome of the immigration process.

* Note: This chart only shows interagency process to address the humanitarian situation.
Immigration Removal Proceedings

Civil Not Criminal Removal Proceedings
- The Executive Office for Immigration Review is an agency within the Dept. of Justice
- Immigration judges are administrative judges who are part of the federal civil service
- The government is represented by attorneys employed by Immigration and Customs Enforcement (ICE)

Children are not provided with free counsel
(i) Removal Based on Charges Filed at the Border

(ii) Expedited Removal – not currently used with children – may preclude all court procedures
   *special provision for Mexican Children

(iii) Removal Based on Charges Filed Within the Interior
In some immigration courts, volunteers are allowed to screen children before the removal hearings.
In many immigration cases, there may be multiple forms of relief.

Each child should be screened for all possible forms of relief.
What is Special Immigrant Juvenile Status (SIJS)?

- An immigration status which involves certain determinations made by state courts.
- A gateway to critical educational, medical, and employment benefits.
Who qualifies for SIJS?

Unmarried children under the age of 21 that a juvenile court has determined:

- Cannot reunify with one or both parents because of abuse, abandonment, neglect, or other similar basis; and

- Whose best interests are not served by returning to their country of nationality.
Asylum Overview

- **Refugee Definition**
- Under U.S. law, a person who has a well-founded fear of persecution on account of race, political opinion, religion, nationality or membership in a particular social group, may seek asylum protection.
T visas & U visas

**T Visas**
Victims of Human Trafficking

**U Visas**
Victims of Crime
What’s DACA Got to Do With It?

- Congressional Republicans argue that the “surge” of unaccompanied minors was caused by DACA *BUT*
  - Surge began in October 2011
  - DACA implemented June 15, 2012
  - Not eligible if not residing in the United States since June 2007
What’s next?

Congress  President